

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

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| BOEHINGER INGELHEIM INT'L, GMBH, et. al. | : | |
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| Plaintiff, | : | Civil Action No. 09-366(FSH) |
| v. | : | |
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| MYLAN PHARMS. INC., et. al. | : | ORDER ON INFORMAL APPLICATION |
| | : | |
| | : | |
| Defendant. | : | |

This matter having come before the Court by way of letter dated March 17, 2009 concerning the pending motion to dismiss; and it appearing that the letter was not signed by New Jersey counsel; and the parties being reminded of their obligations under the Local Rules and the Order granting pro hac vice admission; and the Court notifying the parties that submissions that do not comply with the Court's Rules and Orders will be struck; and the Court nonetheless addressing the letter to ensure there is no confusion about the requirements concerning the motion to dismiss and the pretrial proceedings; and it appearing that the Hon. Faith S. Hochberg has granted extensions concerning the motion to dismiss, see Docket No. 27; and as the United States District Judge has entered an Order permitted briefing related to the motion, said Order shall be deemed to supersede the letter Order dated March 13, 2009 regarding the need to seek leave before filing such motions; and the parties being directed to comply with the dictates of Her Honor's Order

concerning the motion to dismiss;

and the parties being further advised that the filing of a motion to dismiss does not operate to stay any requirements, including preparation of the joint discovery plan, participation in a Rule 16 conference, and discovery;

IT IS THEREFORE ON THIS 17th day of March, 2009

ORDERED that, to the extent that there is a request for leave to file the motion to dismiss, said request is moot as Judge Hochberg has entered an order concerning briefing the motion;

IT IS FURTHER ORDERED that all pretrial proceedings shall proceed even while the motion to dismiss is pending; and

IT IS FURTHER ORDERED that a separate order setting the date for the Rule 16 conference and the requirements for the conference will be issued.

s/Patty Shwartz

UNITED STATES MAGISTRATE JUDGE